

Remarks

In response to the Notice of Non-Compliant Amendment mailed March 31, 2006, the Applicants respectfully request reconsideration of the rejections and that the case pass to issue in light of the remarks below.

The Notice of Non-Compliant Amendment indicates a deficiency with respect to the drawings included under Appendix A. Appendix A is not intended to include any drawing amendments, in fact, Appendix A is not intended to part of the § 1.111 amendment. Appendix A is part of the § 1.131 declaration enclosed herewith. There are no changes to the drawings.

The following remarks were submitted in the previously filed reply. By this paper, no claims have been added, amended, or canceled such that claims 1-18 are pending.

The Examiner has set forth the following rejections: (1) claims 1, 2, and 11-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over USPN 6,865,459 to Harms; (2) claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harms in view of USPN 6,490,511 to Raftari; and (3) claims 4-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harms in view of Raftari and further in view of USPN 6,555,928 to Mizuno.

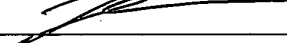
In response to the foregoing rejections, the Applicants point out that the principal reference in each rejection is the Harms patent. Filed herewith is an Affidavit under 37 C.F.R. § 1.131 to swear behind the Harms patent. The affidavit points out that the presently claimed invention was reduced to practice before the filing date of the Harms patent. As such the Harms patent can not be used as a basis for rejecting the pending claims.

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In view of the foregoing, the Applicants respectfully submit that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. The Examiner is respectfully requested to pass this case to issue and is invited to contact the undersigned if it would further prosecution of this case to issue. The Applicants believe no fees are due in connection with this paper, however, the Examiner is authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 06-1510 or 06-1505.

Respectfully submitted,
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